IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 536 of 2026

Sona Mahto, aged about 70 years, S/o Late Bihari Mahto, R/o village-Potma, P.O.-Sabalpur, P.S.-Sariya, District-Giridih
.... …. Appellant

Versus

1. The State of Jharkhand
2. Dashrath Ravidas, S/o Ledan Ravidas, R/o village-Nawadih, Thuthibagi Tola, P.O. & P.S.-Sariya, District-Giridih
.... Respondents

With

Cr. Appeal (S.J.) No. 446 of 2026

Ajay Verma, aged about 42 years, S/o Sona Mahto, R/o village-Potma, P.O.-Sabalpur, P.S.-Sariya, District-Giridih .. …. Appellant

Versus

1. The State of Jharkhand
2. Dashrath Ravidas, S/o Ledan Ravidas, R/o village-Nawadih, Thuthibagi Tola, P.O. & P.S.-Sariya, District-Giridih
.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant(s) : Mr. Pran Pranay, Advocate
For the State : Mr. S.K. Keshri, APP

Order No.03 / Dated : 02.09.2026.

1. These appeals have been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.
2. Heard learned counsel for the appellants, learned counsel for the State.
3. In spite of valid service of notice, nobody has appeared on behalf of the victim.
4. Although Section 18 of the SC/ST (PoA) Act bars the grant of anticipatory bail, such bar would not apply in case where no *prima facie* offence under the Act is made out.
5. These appeals have been filed against a common order dated 12.03.2026 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST, Giridih in A.B.P No.259 of 2026 in connection with Sariya P.S. Case No.233 of 2025, for the offence under Sections 126(2), 115(2), 117(2), 118(1), 109(1), 325, 351(2), 352, 3(5) of B.N.S. and Sections 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, whereby the prayer for grant of anticipatory bail of the appellants has been rejected. The case is presently pending in the Court of learned Judge, SC/ST Act, Giridih.

6. It has been submitted by the learned counsel for the appellants that there was simple neighborhood dispute between the parties regarding placing of goat and SC/ST the Act has wrongly been invoked to settle the neighborhood dispute. It is nothing but misuse of protective legislation. On the above basis, prayer for anticipatory bail has been made.

7. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail.

   Reference of Sections 3(2)(v) and 8(c) of the SC/ST Act has been made, which are quoted herein below: -

> ***" 3. Punishment for offences of atrocities.—***
>
> *(1). ……*
>
> ***(2) (v)** commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;."*
>
> ***(2) (va)** commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Castes or a Scheduled Tribes or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;"*
>
> ***8. Presumption as to offences.— In a prosecution for an offence under this Chapter, if it is proved that—***
>
> *(a) …..*
>
> *(b) …..*
>
> ***(c)** the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."*

   It is further submitted that parties are known to each other and since offence under the SC/ST Act is made out, section 18 of the SC/ST Act gets attracted.

8. Having heard the learned counsel for the parties and on perusal of the record, it appears that there is a clear-cut allegation of atrocity and the parties are known to each other. Thus, section 18 of the SC/ST Act gets attracted.

9. Considering the above facts, I am not inclined to grant privilege of anticipatory bail to the appellants. Accordingly, these criminal appeals are, hereby, dismissed.

(**Rajesh Kumar, J.**)

02.09.2026
Pawan/
Uploaded on 07.09.2026